

**281—41.407 (256B,273,34CFR300) Additional requirements of AEAs.** The following provisions are applicable to each AEA that provides special education and related services.

**41.407(1) Policies.** Each AEA shall develop written policies pertinent to the provision of special education and related services and shall make such policies available to the department upon request. At a minimum, such policies shall include those identified in 41.404(1) “a” to “g” and the following:

- a. Policy regarding appointment of surrogate parents.
- b. Policy regarding provision of and payment for independent educational evaluations.
- c. Policy to ensure the goal of providing a full educational opportunity to all eligible individuals.
- d. Policy addressing the methods of ensuring services to eligible individuals.
- e. Child find policy that ensures that individuals with disabilities who are in need of special education and related services are identified, located and evaluated.
- f. A policy that meets the requirements of these rules for evaluating and determining eligibility of students who require special education, including a description of the extent to which the AEA system uses categorical designations. While AEAs may identify students as eligible for special education without designating a specific disability category, it is recognized that in certain circumstances the identification of a specific disability may enhance the development and ongoing provision of an appropriate educational program.
- g. Policy for the development, review and revision of IEPs.
- h. Policy for transition from Part C to Part B.
- i. Policy for provision of special education and related services to students in accredited, nonpublic schools.

**41.407(2) Procedures.** Each AEA shall develop written procedures pertinent to the provision of special education and related services, and shall make such procedures available to the department upon request. At a minimum, such procedures shall include those identified in subrule 41.404(2) and the following:

- a. Appointment of surrogate parents.
- b. Provision of and payment for independent educational evaluations.
- c. Procedures for monitoring the caseloads of LEA and AEA special education personnel to ensure that the IEPs of eligible individuals are able to be fully implemented. The description shall include the procedures for timely and effective resolution of concerns about caseloads and paraprofessional assistance that have not been resolved satisfactorily pursuant to 41.408(2) “b”(3).
- d. Procedures for evaluating the effectiveness of services in meeting the needs of eligible individuals in order to receive federal assistance.
- e. Child find procedures that ensure that individuals with disabilities who are in need of special education and related services are identified, located and evaluated.
- f. Evaluation and determination of eligibility procedures for identifying students who require special education that meet the requirements of these rules, including a description of the extent to which the AEA system uses categorical designations.
- g. Procedures for the development, review and revision of IEPs.
- h. Procedures to ensure the provision of special education and related services in the least restrictive environment.
- i. Procedures for transition from Part C to Part B.
- j. Procedures for provision of special education and related services to students in accredited, nonpublic schools.
- k. Procedures describing the methods of ensuring services to eligible individuals.

**41.407(3) Responsibility for monitoring of compliance.** The AEA shall conduct activities in each constituent LEA to monitor compliance with the provisions of all applicable federal and state statutes and regulations and rules applicable to the education of eligible individuals. A written report describing the monitoring activities, findings, corrective action plans, follow-up activities, and timelines shall be developed and made available for review by the department upon request. Monitoring of compliance activities shall be as directed by the department.

**41.407(4)** *Educate and inform.* The AEA shall provide the department with a description of proactive steps to inform and educate parents, AEA and LEA staff regarding eligibility, identification criteria and process, and due process steps to be followed when parents disagree regarding eligibility.

**41.407(5)** *Coordination of services.* The AEA shall provide the department with a description of how the AEA identification process and LEA delivery systems for instructional services will be coordinated.